IPW

Patent Docket P1192-2C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Fong et al. Serial No.:10/791,618 Filed: March 2, 2004 For: *Compositions and Methods for the Treatment of Immune Related Diseases*	Group Art Unit: 1647 Examiner: DeBerry Regina Ph.D. Confirmation: 4005 Customer No.: **09157** **CERTIFICATE OF MAILING** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on June 10, 2005 Teri Lee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated May 23, 2005 issued in connection with the above application, please consider the following election and remarks. This response is filed within 1 month of the mailing of the Restriction Requirement, thus making it a timely response.

In response to the outstanding Restriction Requirement, Applicants hereby provisionally elect the invention of Group II, specifically Claims 12-13 drawn to a method of enhancing infiltration of immune cells in a mammal comprising administering an effective amount of a Bolekine peptide, classified in Class 514, subclass 2. This election is made with traverse.

According to the M.P.E.P, there are two criteria for a proper requirement for restriction between patentably distinct inventions.

(1). The invention must be independent or distinct as claimed; and

(2). There must be a serious burden on the Examiner if restriction is not required.

Therefore, in order to issue a requirement for restriction, each variant must be shown by appropriate explanation. The Office has not shown that there would be a serious burden on the Examiner if the restriction were not required. The Examiner has not shown that the invention of Groups II, III and IV are distinct, as all are drawn to methods administering a Bolekine polypeptide. Moreover, the Examiner has placed each Group in the same Class 514 and subclass 2, indicating that the same Class and subclass would be searched for all three Groups. Thus, it would not be a serious burden on the Examiner to examine the Groups II, III and IV together. Therefore, Applicants submit Groups II, III and IV are part of the same invention and should be examined as such.

The statutory period for reply is one month, therefore making this a timely reply. The Commissioner is authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

The examiner is invited to contact the undersigned at (650) 225-3733 if any issues may be resolved in that manner.

Respectfully submitted,
GENENTECH, INC.

Date: June 10, 2005

By: _____

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